

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD)(SN) ECF Case

**DECLARATION IN SUPPORT OF MOTION FOR
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF
OF BURNETT/IRAN PERSONAL-INJURY PLAINTIFFS**

(BURNETT / IRAN PERSONAL INJURY 1)

JOHN M. EUBANKS, Esquire, hereby states under penalty of perjury that:

1. I am a member of the law firm of Motley Rice LLC, attorneys for the Plaintiffs in the above-captioned matters. I submit this Declaration in support of this motion on behalf of the Plaintiffs identified in Exhibit A (attached hereto) from the action titled *Thomas Burnett, Sr., et al., v. The Islamic Republic of Iran, et al.*, 15-cv-9903-GBD-SN (“*Burnett/Iran*”).

2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s order dated January 24, 2017 (ECF No. 3435¹), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief).” For compliance with the required sworn declaration, please see paragraph 31, below.
- b. The Court’s Order dated October 14, 2016 (ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236

¹ Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

(GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977 (GBD)(SN).

3. Service of process on The Islamic Republic of Iran and the Islamic Revolutionary Guard Corps was executed pursuant to 28 U.S.C. § 1608(a) on September 14, 2016 by service through diplomatic channels. Service on the Central Bank of the Islamic Republic of Iran was executed pursuant to 28 U.S.C. § 1608(b) on March 18, 2016 through direct mailing via the U.S. Postal Service.

4. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Burnett/Iran* Plaintiffs listed in Exhibit A in connection with the September 11th terror attacks, other court records relating to the *In re Terrorist Attack on September 11, 2001* multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in the *In re Terrorist Attacks on September 11, 2001* multidistrict litigation, and conversations with these plaintiffs and other family members of these plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

5. The *Burnett/Iran* Plaintiffs identified in Exhibit A each sustained physical injuries on September 11, 2001 as a proximate result of the terrorist attacks on September 11, 2001, as indicated for each person on Exhibit A.

6. Exhibit B is a true and correct copy of the Declaration of George Joseph Bachmann detailing injuries sustained on September 11, 2001.

7. Exhibit C is a true and correct copy of the Declaration of Mary Ellen Barbieri detailing injuries sustained on September 11, 2001.

8. Exhibit D is a true and correct copy of the Declaration of Richard Beatty detailing injuries sustained on September 11, 2001.

9. Exhibit E is a true and correct copy of the Declaration of Jean M. Hunt detailing injuries sustained on September 11, 2001.

10. Exhibit F is a true and correct copy of the Declaration of David Kletsman detailing injuries sustained on September 11, 2001.

11. Exhibit G is a true and correct copy of the Declaration of Daniel Kruesi detailing injuries sustained on September 11, 2001.

12. Exhibit H is a true and correct copy of the Declaration of John R. La Sala detailing injuries sustained on September 11, 2001.

13. Exhibit I is a true and correct copy of the Declaration of Veronica O. Li detailing injuries sustained on September 11, 2001.

14. Exhibit J is a true and correct copy of the Declaration of James Raymond McCarthy detailing injuries sustained on September 11, 2001.

15. Exhibit K is a true and correct copy of the Declaration of Nancy Marie Morrison detailing injuries sustained on September 11, 2001.

16. Exhibit L is a true and correct copy of the Declaration of Kofi Osei Nyantakyi detailing injuries sustained on September 11, 2001.

17. Exhibit M is a true and correct copy of the Declaration of Sharon Premoli detailing injuries sustained on September 11, 2001.

18. Exhibit N is a true and correct copy of the Declaration of Bryan Rodrigues detailing injuries sustained on September 11, 2001.

19. Exhibit O is a true and correct copy of the Declaration of Julio Roig, Jr. detailing injuries sustained on September 11, 2001.

20. Exhibit P is a true and correct copy of the Declaration of Kevin Shaeffer detailing injuries sustained on September 11, 2001.

21. Exhibit Q is a true and correct copy of the Declaration of Donna Singer detailing injuries sustained on September 11, 2001.

22. Exhibit R is a true and correct copy of the Declaration of Eugenia Singer detailing injuries sustained on September 11, 2001.

23. Exhibit S is a true and correct copy of the Declaration of Lauren A. Smith detailing injuries sustained on September 11, 2001.

24. Exhibit T is a true and correct copy of the Declaration of Kenneth Summers detailing injuries sustained on September 11, 2001.

25. Exhibit U is a true and correct copy of the Declaration of Michael A. Telesca detailing injuries sustained on September 11, 2001.

26. Exhibit V is a true and correct copy of the Declaration of Bidiawattie Tewari detailing injuries sustained on September 11, 2001.

27. Exhibit W is a true and correct copy of the Declaration of Denise Thompson detailing injuries sustained on September 11, 2001.

28. Exhibit X is a true and correct copy of the Declaration of John Lewis Thurman detailing injuries sustained on September 11, 2001.

29. Exhibit Y is a true and correct copy of the Declaration of Phidia Wong detailing injuries sustained on September 11, 2001.

30. After reviewing the records available to me regarding other judgments entered by this Court against the Iranian defendants, I have not identified any relief that has previously been awarded to any particular plaintiff identified in Exhibit A to *Burnett/Iran* Personal Injury 1.

31. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committees (ECF No. 3433) and (2) personally verified that, based on my review of the records available to me regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any plaintiff included in the judgment.

32. Accordingly, a proposed Order of Partial Final Judgment for the Plaintiffs Identified in Exhibit A, conforming to the Court's previous orders, is being filed contemporaneously with this Declaration.

Dated: January 21, 2020

/s/ John M. Eubanks
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